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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Notification

GAD-EST-9364 (2)

In exercise of the powers conferred on me by Rule 9 of the Central Civil Services (Classification Control and Appeal) Rules, 1965, read with the schedule thereto, and all other powers enabling me in this behalf, I, K. R. Damle, Administrator of the

Union Territory of Goa, Daman and Diu, hereby specify that the authorities who will function as the Appointing, Disciplinary and Appellate authorities under the said Rules for Class III and Class IV posts in the administration of the Union Territory, shall be those mentioned in the schedule appended to this notification.

This is in supersession of the Notification issued under No. GAD-EST-9364 (2) dated 17-1-1966 published in the Government Gazette No. 44, Series I, dated 27-1-1966.

K. R. Damle, Administrator of Goa, Daman and Diu.

Panjim, 30th March, 1966.

SCHEDULE (Class III, IV)

S. No.	Description of Service	Appointing authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)		Appellate authority
			Authority	Penalties	
1	2	3	4	5	6
1.	Secretariat.	Deputy Secretary (G. A. D.).	Deputy Secretary (G. A. D.).	All	Chief Secretary.
2.	Collectorate of Goa including offices of Mamlatdars and Land Survey.	Collector of Goa.	Collector of Goa.	All	>
3.	Directorate of Civil Administration.	Director of Civil Administration.	Director of Civil Administration.	All	>
4.	Collectorate of Daman.	Collector of Daman.	Collector of Daman.	All	>
5.	Office of the Civil Administrator, Diu.	Civil Administrator of Diu.	Civil Administrator of Diu.	All	>
6.	Office of the Senior Superintendent of Police.	Senior Superintendent of Police.	Senior Superintendent of Police.	All	>
7.	Government Printing Press.	Administrator G. P. Press.	Administrator G. P. Press.	All	Administrative Secretary in charge.
8.	Office of the Custodian of Evacuee Property.	Custodian of Evacuee Property.	Custodian of Evacuee Property.	All	>
9.	Directorate of Transport.	Director of Transport.	Director of Transport.	All	>
10.	Department of Information and Tourism.	Director of I. & T.	Director of I. & T.	All	Secretary, I. & T.
11.	Directorate of Industries and Mines.	Director of I. & M.	Director of I. & M.	All	Secretary, I. & M.
12.	Goa Medical College, Pharmacy College.	Dean, Goa Medical College.	Dean, Goa Medical College.	All	>

1	2	3	4	5	6
13. Office of the Chief Electrical Engineer.	Chief Electrical Engineer.	Chief Electrical Engineer.	All		
14. Health Department.	Director of Health Services.	Director of Health Services.	All		
15. Office of the Labour Commissioner.	Labour Commissioner.	Labour Commissioner.	All		
16. Office of the Captain of Ports.	Captain of Ports.	Captain of Ports.	All		
17. Office of the Project Officer Rural Industrial Project.	Project Officer.	Project Officer.	All		
18. Block Development Offices.	Collectors concerned.	Collectors concerned.	All		Development Commissioner & Secretary P & DD.
19. Office of the Registrar of Cooperative Societies.	Registrar of Cooperative Societies.	Registrar of Cooperative Societies.	All		
20. Office of the Senior Town Planner.	Senior Town Planner.	Senior Town Planner.	All		
21. Directorate of Agriculture.	Director of Agriculture.	Director of Agriculture.	All		
22. Directorate of Animal Husbandry and Veterinary Services.	Director of Animal Husbandry and Veterinary Services.	Director of Animal Husbandry and Veterinary Services.	All		
23. Directorate of Fisheries.	Director of Fisheries.	Director of Fisheries.	All		
24. Office of the Conservator of Forests.	Conservator of Forests.	Conservator of Forests.	All		
25. Directorate of Civil Supplies & Price Control.	Director of C. S. & P. C.	Director of C. S. & P. C.	All		
26. Directorate of Education.	Director of Education.	Director of Education.	All		
27. Public Works Department.	Director of PWD.	Director of PWD.	All		
28. Jails (other than the Central Jail at Diu).	Inspector General of Prisons (Law Secretary).	Inspector General of Prisons (Law Secretary).	All		Law Secretary.
29. Central Jail, Diu.	Director of Penitentiary (Supdt. Central Jail, Diu).	Director of Penitentiary (Supdt. Central Jail, Diu).	All		
30. Office of the Registers and Notary Services.	Chief of Office of Registers & Notary Services.	Chief of Office of Registers & Notary Services.	All		
31. Registration Department (Land Registration).	District Registrars.	District Registrars.	All		
32. Office of the Assistant Public Prosecutor.	Under Secretary (Law Dept.)	Under Secretary (Law Dept.)	All		
33. Office of the Government Pleader.	— do —	— do —	All		
34. Department of Revenue and Taxes.	Commissioner of Revenue & Taxes.	Commissioner of Revenue & Taxes.	All		Secretary, Finance.
35. Office of the Commissioner of Excise & Sales Tax.	Commissioner of Excise & Sales Tax.	Commissioner of Excise & Sales Tax.	All		
36. Directorate of Accounts.	Director of Accounts.	Director of Accounts.	All		
37. Administrative Tribunal.	Secretary Administrative Tribunal.	Secretary Administrative Tribunal.	All		Chairman Administrative Tribunal.
38. Legislature Department.	Under Secretary Legislature Dept.	Under Secretary Legislature Dept.	All		Secretary Legislature Department.

Revenue Department (Land Reforms)

Notification

RD/TNC/RLS/112/66

The following amendment which is proposed to be made to the Goa, Daman and Diu Agricultural Tenancy Rules, 1965 is hereby pre-published as required by section 61 of the Act. The draft would be taken into consideration after the 1st May 1966. Any person who has any suggestions to make may send them to the undersigned on or before that date.

In exercise of the powers conferred by Sections 45 and 61 of the Goa, Daman and Diu Agricultural Tenancy Act, the Government hereby makes the follow-

ing amendments to the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, the same having been previously published as required by the Act:

1. This may be known as the Goa, Daman and Diu Agricultural Tenancy (Amendment) Rules, 1966.

2. After Rule 23 of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, the following rule shall be added:

«24. The Tribunal shall in any appeal filed before it have all the powers which are vested in an appellate court under the Code of Civil Procedure, 1908».

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Subramanian, Secretary (Revenue).

Panjim, 1st April, 1966.

Finance Department

Notification

11-115/66/F.2

The following Notification (Chartered Accountants) No. 1-CA(7)/65 dated 6th November, 1965 from the Institute of Chartered Accountants of India, Indraprastha Marg, New Delhi-1 is hereby reproduced for the information of the general public.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Srinivasagopalan, Dy. Secretary (Finance).
Panjim, 5th April, 1966.

The Institute of Chartered Accountants of India

Post Box No. 268
Indraprastha Marg
NEW DELHI — 1
6th November, 1965

(Published in Part III Section 4 of the Gazette of India dated 20th November, 1965)

Notification

(Chartered Accountants)

No. 1-CA(7)/65: — In exercise of the powers conferred by clause (ii) of Part II of the Second Schedule to the Chartered Accountants Act, 1949, the Council of the Institute of Chartered Accountants of India specifies that a member of the Institute who is an employee shall be deemed to be guilty of professional misconduct if he is wilfully and grossly negligent in the conduct of his duties as such employee.

C. BALAKRISHNAN
Secretary

Law Department

Notification

L. D./N/4/66

In exercise of the powers conferred by section 5 of the Indian Registration Act, 1908 as extended to the Union Territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu hereby directs that the Registration district of Daman shall consist of the comarca area of Daman and the Registration district of Diu shall consist of the entire area of Diu.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Kant Desai, Under Secretary.
Panjim, 6th April, 1966.

Notification

L. D./N/5/66

In exercise of the powers conferred by Section 1 of the Transfer of Property Act, 1882 as extended to

the Union Territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu hereby directs that the said Act shall extend and apply to the Daman and Diu area of the Union Territory with effect from the 25th April, 1966.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Kant Desai, Under Secretary.

Panjim, 6th April, 1966.

Notification

L. D./N/6/66

In exercise of the powers conferred by Sub-section (2) of Section 3 of the Goa, Daman and Diu (Laws) no. 2, Regulation, 1963, the Lieutenant Governor of Goa, Daman and Diu hereby appoints the 25th April, 1966 as the date on which the provisions of the Acts mentioned in the Schedule below shall come into force in the Daman and Diu area of the Union Territory of Goa, Daman and Diu.

SCHEDULE

1. The Transfer of Property Act, 1882.
2. The Indian Registration Act, 1908.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Kant Desai, Under Secretary.

Panjim, 6th April, 1966.

Industries and Labour Department

Notification

In exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act of 1957, the Government of Goa, Daman and Diu proposes to bring the Goa, Daman and Diu Minor Mineral Extraction Rules, 1965 into force on 15th May 1966.

Any suggestions or objections will be received by the Government for consideration before 1st May 1966.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

B. K. Chougule, Secretary, Industries and Labour Department.

Draft of the Goa, Daman and Diu Minor Mineral Extraction Rules, 1965

In exercise of the powers conferred by rule 15 of the Mines and Minerals (Regulations and Development) Act, 1957, and of all other powers enabling it in this behalf, and in supersession of all previous rules made in this behalf, the Government of Goa, Daman and Diu, is pleased to make the following rules for the extraction of «Minor Minerals» namely:

CHAPTER I

Preliminary

1. Short title and commencement. — (1) These rules may be called the Goa, Daman and Diu Minor Mineral Extraction Rules, 1965, and they shall come into force on and from 15th May, 1966.

2. Definitions. — (1) In these rules unless there is anything repugnant in the subject or context:

(i) «Competent Officer» means (a) in the case of lands in charge of Forest Department of the Government, the Conservator of Forests of Goa, Daman and Diu, (b) in the case of quarries under the control of Public Works Department of the Government, the Director of Public Works Department of Goa, Daman and Diu, (c) in the case of quarries situated in areas on sea shore, river beds and other lands in charge of the Captain of Ports, the Captain of Ports, and, in other cases, the Collector of Daman, for Daman area, the Civil Administrator, for Diu and the Director of Industries, in Goa or such other officer as may be appointed by Government in that behalf;

(ii) «Director of Industries» means the Director of Industries and Mines of the Union Territory of Goa, Daman and Diu;

(iii) «Government» means Government of the Union Territory of Goa, Daman and Diu;

(iv) «Quarrying lease» means a lease to mine, quarry, bore, dig and search for, win, work and carry away any minor mineral specified therein;

(v) «Quarrying permit» means a permit granted under Chapter IV of these rules to extract and remove any minor mineral in specified quantities;

(vi) «Minor mineral» means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, (Section 3 of the clause (e) of the Mines and Minerals (Regulation Development) Act, 1957 (67 of 1957), stones used for making household utensils, boulder, shingle, chalcedony pebbles used for ball mill purposes only, lime shell, kankar and limestone used for lime burning, murrum brick earth, fuller's earth, bentonite, road metal, red-matti, slate and shale when used for building material, as per Notifications from Ministry of Mines and Fuel no. MII-159(ii)/59; MII-159(6)/57; MII-159(18)/54-A-II, respectively, and any other mineral which the Central Government may, by notification in the Official Gazette, declare to be a minor mineral;

(vii) «Special mineral» means lime stone, lime shell and such other mineral as may be specified by Government by notification in the Official Gazette;

(viii) «Private person» means owner of land other than Government, including Comunidades, Churches, Temples, Patriarchate and other similar institutions.

(2) All words and expressions used but not defined in these rules shall have the meanings assigned to them in the Mineral Concession Rules, 1960.

CHAPTER II

Grant of quarrying lease in respect of land in which Minerals belong to Government

3. Restrictions on grant of quarrying lease. — i) No quarrying lease shall be granted to any person other

than indian citizen except with the prior approval of Government.

ii) No quarrying lease shall be granted in respect of any specified minor mineral, except with the prior approval of the Director of Industries.

4. Application for quarrying lease. — (1) Every application for a quarrying lease in respect of any land in which the minerals belong to Government shall be made to the Competent Officer and shall contain the following particulars:

(a) i) If the applicant is any individual, his name, nationality, profession and residence, and

ii) if the applicant is a company, syndicate, partnership or private firm, its name, nature and place of business and place of registration or incorporation;

(b) A description, illustrated by a map or plan showing as accurately as possible the situation, boundaries and area of the land in respect of which the quarrying lease is required;

(c) The minor mineral or minerals which the applicant intends to extract;

(d) The purpose for which the extracted minor minerals are to be used;

(e) The period for which the quarrying lease is required;

(f) The areas and minor minerals within the Union Territory of Goa, Daman and Diu in respect of which the applicant or any person joint in interest with him already holds a quarrying lease.

Explanation: A map or plain referred to in item (b) shall give sufficient information to enable identification of the area in respect of which the lease is required.

(2) Every application shall be accompanied by a fee of Rs. 25/- and by certified copies of relevant extracts of Revenue Register (Livro de Matriz Predial) and Property Register (Inscrição e Descrição do Registo Predial) or from the Inventory of Institutions (Tombos) as the case may be, pertaining to private persons in respect of which the quarrying lease is applied for.

5. Grant of quarrying lease and execution of lease. (1) On receipt of an application under Rule 4, the Competent Officer, on making such inquiries as he deems fit may sanction the grant of a quarrying lease to the applicant or refuse to sanction it. However, in granting the lease in urban areas, the Competent Officer should consult the Town and Country Planning Committee, and in its absence, the respective Municipality; and when the area applied for is situated within the Port or Military zone or within 200 metres from the limits of the zone, the Port or Military authorities, as the case may be, should be consulted.

(2) Where a quarrying lease is granted under sub-rule (1), the formal lease shall be executed within three months of the order sanctioning the lease and if no such lease is executed within the aforesaid period, the order sanctioning the lease shall be deemed to have been revoked.

Provided that, where the Competent Officer is satisfied that the applicant for lease is not respon-

sible for the delay in the execution of the formal lease, he may permit the execution of the formal lease after the expiry of the aforesaid period of three months.

6. Refund of application fee. — If the Competent Officer refuses to grant the quarrying lease applied for or if the applicant refuses to accept the lease on account of any special condition imposed therein under sub-rule (3) of rule 18, the fee shall be refunded.

7. Intimation of refusal to be given. — When an application for a quarrying lease is refused by the Competent Officer, he shall inform, in writing, the applicant, accordingly.

8. Register of applications. — A register of applications for quarrying leases shall be maintained by each Competent Officer, specifying therein the following particulars;

- i) Name of the applicant;
- ii) Address of the applicant;
- iii) Particulars of the land applied for and its area;
- iv) Minor mineral or minerals which the applicant desires to extract;
- v) Period for which quarrying lease is required;
- vi) Action taken on the application and date of orders.

9. Security deposits. — The applicant shall, before the quarrying lease is granted, deposit as security a sum equal to 50 per cent of the annual dead rent fixed for the lease for due observance of the terms and conditions of the lease.

10. Survey of area leased. — When a quarrying lease is granted by the Competent Officer, arrangements shall be made at the expense of the lessee for the survey and demarcation of the area granted under lease.

11. Register of quarrying lease. — A register of quarrying leases shall be maintained by each Competent Officer, specifying the following particulars, a copy of which he should submit within 5 days from the date of such registration to the Director of Industries, since the Director of Industries has to maintain the statistical data and also has to issue technical directives wherever required.

- (A). i) Name of the lessee and his address;
- ii) Particulars and area of the land in respect of which the lease has been granted and the period of the lease;
- iii) Date on which the lease is granted;
- iv) Date on which formal lease is executed;
- v) Rates of royalties, surface rent and dead rent;
- vi) Minor mineral or minerals for which the lease is valid;
- vii) Amount of security deposit;
- viii) Other conditions imposed;

- (B). i) Date of Renewal;
- ii) Period of renewal;
- iii) Total area under renewal;
- iv) Minor mineral or minerals for which renewed lease is valid;
- v) Rate of royalty;
- vi) Rate of surface rent;
- vii) Rate of dead rent;
- viii) Amount of security deposit;

(C). Date of determination of the lease.

12. Inspection of register. — The register maintained by the Competent Officer under rules 8 and 11 shall be open to inspection by any person, on payment of a fee of Rs. 2/-.

13. Restrictions on area of quarrying lease. — (1) Except with the prior approval of Government, no quarrying lease shall be granted in the case of minor minerals for an area exceeding 10 hectares.

(2) No lessee by himself or with any person joint in interest with him shall hold in the aggregate more than 1.3 square kilometres of area under lease in respect of one minor mineral or a group of minor minerals within the Union Territory of Goa, Daman and Diu.

(3) Subject to the limits prescribed in these Rules, the Competent Officer may grant a quarrying lease for the whole or any part of the area applied for, and if he refuses to grant a quarrying lease for the whole area, the reasons for such refusal shall be recorded by him in writing.

(4) The area under any quarrying lease shall be in a compact block, unless the Competent Officer directs otherwise.

14. Length and breadth of leased area. — The length of an area held under a quarrying lease shall not exceed four times its breadth.

Provided that Government may in any particular case relax the provisions of this rule.

15. Boundaries below surface. — The boundaries of the area covered by a quarrying lease shall run vertically downwards below the surface towards the centre of the earth.

16. Period of quarrying lease. — (1) The period for which a quarrying lease may be granted shall not, except with the approval of Government, exceed five years. The lease shall be renewable at the option of the lessee for one period not exceeding the duration of the original lease.

(2) At the time of renewal of the lease, the lessee shall be entitled to surrender any part of the leased area.

(3) When renewal is granted:

- i) Royalty and surface rent shall be charged at the rates in force at the time of renewal; and
- ii) dead rent shall be charged at such rates as the Competent Officer may fix within the limits specified in Schedule II to these rules in force at the time of the renewal.

17. **Transfer of quarrying lease.** — The lessee may, with the previous sanction of the Competent Officer, and subject to the conditions specified in sub-rule (2) of rule 13 and 14, transfer his lease or any right, title or interest therein to any person on payment of fee of Rs. 50/- to Government.

Provided that if the lease was granted with the prior approval of Government, or Director of Industries, the transfer also shall be made with the prior approval of Government or Director of Industries as the case may be.

18. **Conditions.** — (1) Every quarrying lease shall include the following conditions:

i) The lessee shall pay royalty on minor minerals despatched from the leased area at the rates specified in Schedule I to these Rules:

Provided that such rates shall be liable to be revised as may be amended by Government from time to time.

The revenue receipts relating to the respective department should go to the respective Head of Accounts.

ii) The lessee shall also pay for every year of the lease such yearly dead rent within the limits specified in Schedule II to these Rules as may be fixed by the Competent Officer, in the lease; and if the lessee permits the working of more than one mineral in the same area, the Competent Officer may fix separate dead rent in respect of each mineral.

Provided that the lessee shall be liable to pay the dead rent or royalty in respect of each mineral, whichever be higher in amount, but not both.

iii) The lessee shall also pay, for the surface area used by him for the purposes of the quarry, surface rent at such rate, not exceeding the land revenue and cesses assessable on the land, as may be fixed by the Competent Officer and specified in the lease.

iv) Unless the Competent Officer for good cause, permits otherwise, the lessee shall commence quarrying operations within three months from the date of execution of the lease and shall thereafter carry them on in a proper, skillful and workmanlike manner. The lessee shall prevent waste by removal of overburden, careful storage of waste, drainage and removal of all valuable minor minerals within the quarry.

Explanation: For the purpose of this cause, «quarrying operations» shall include the erection of machinery, laying of a tramway or construction of a road in connection with the quarry.

v) The lessee, shall, at his own expenses, erect and maintain boundary marks and pillars, necessary to indicate area leased to him.

vi) The lessee shall take adequate steps to ensure that:

a) heights and widths of trenches in open quarries are properly maintained to facilitate easy removal of the mineral and the muck;

b) the working faces are always kept clean; and

c) the minor minerals won are stacked in suitable dimensions and each stack is numbered.

vii) If any minor mineral not specified in the lease is discovered in the leased area, the lessee shall report the discovery without delay to the Competent

Officer and the Director and shall not win or dispose of such minor mineral without obtaining a lease therefor. If he fails to apply for such lease within three months from the discovery of the mineral, the Competent Officer may grant a lease in respect of such mineral to any other person.

viii) The lessee shall arrange for the proper sanitation of the area leased to him.

ix) The lessee shall abide by such reasonable instructions and directions as may be issued by Government from time to time regarding the conservation and development of minor minerals.

x) The lessee shall abide by the provisions of any law for the time being in force, relating to the working of quarries and matters affecting safety, health and convenience of the lessee's employees or of the public and shall respect all existing rights of way, water and other easements.

xi) The lessee shall not carry on or allowed to be carried on any mining operations at any point within a distance of 45 metres, if no blasting is involved and 185 metres, if blasting is involved from the boundary of any Railway line except with the written permission of the Railway Administration concerned, or from the boundary of any reservoir, canal, road or public works or buildings except with the previous permission of Government. The Railway Administration or Government may, in granting permission, impose such conditions as it may deem fit. In the case of National Monuments such distance will be 300 metres whether blasting is involved or not.

xii) The lessee shall build a safety stone wall or any permanent structure which should have the height of at least one metre around and away from the area of exploration of the lease at least as many metres as to the depth of excavation. The wall should have exit doors which should be kept closed when the quarry is not in operation.

xiii) The lessee shall keep correct accounts showing the quantity and other particulars of all minor minerals obtained and despatched from the quarry and the number of persons employed therein and complete plans of the quarry and shall furnish to the Director of Industries such information, reports and returns as it may require from time to time together with representative samples of minerals obtained during his operations.

xiv) The lessee shall allow any officer authorised by Government or the Competent Officer or the Director of Industries to enter upon any building, excavations or land comprised in his lease for the purpose of inspecting the same or for inspecting any of his accounts, plans and records which he shall make available to such officer. Such officer may issue such reasonable directions as he may deem fit to prevent wasteful extractions of minerals and it shall be the duty of the lessee, his agent or manager to carry out such directions within such period as the officer may specify. If the lessee, his agent or manager fails to carry out the direction within the specified period, the Competent Officer may determine the lease or may impose a penalty not exceeding twice the amount of the annual dead rent.

xv) The lessee shall strengthen and support to the satisfaction of the railway administration concerned or Government, as the case may be, part of

the quarry which in its opinion requires such strengthening or support for the safety of any railway, reservoir, canal, road or any other public works or structures.

xvi) The lease shall be liable to cancellation if the lessee ceases to work the quarry for a continuous period of six months;

Provided that the lease shall not be cancelled if the lessee is prevented from working the quarry owing to some reasonable cause or if the lessee ceases to work with the prior permission of the Competent Officer.

xvii) If the lessee, or his transferee or assignee, does not allow any entry or inspection under clause (xiv), the Competent Officer may cancel the lease and forfeit in whole or in part the security deposit paid by the lessee.

xviii) The lessee shall report all accidents to the District Magistrate and the District Superintendent of Police concerned under copy to the Director of Industries.

xix) In case of breach by the lessee or his transferee or assignee of any of the conditions specified in class i), ii), iii), iv), v), vi), vii), viii), ix), x), xi), xii), xiii), xiv), xv), or xxii), of this rule, the Competent Officer shall give notice in writing to the lessee asking him to remedy the breach within sixty days from the date of the notice, and if the breach is not remedied within such period, the Competent Officer may determine the lease. In case of breach by the lessee, or his transferee or assignee of any other condition of the lease, the Competent Officer may require the lessee to pay a penalty not exceeding an amount equivalent to twice the amount of the annual dead rent.

xx) Government shall be immune from the lessee's claim for damage on account of any land having been included in his lease which may subsequently be discovered not to have been available for the lease.

xxi) The lessee or his transferee or assignee shall not erect any building in contravention of the provisions on law for the time being in force, relating to the erection of building or in contravention of any orders issued by any officer or the authority competent to issue such orders under any such law within whose jurisdiction the leased area is situated.

xxii) Government shall at all times have the right of pre-emption of the mine minerals won from the land in respect of which the lease has been granted.

Provided that the fair market price prevailing at the time of pre-emption shall be paid to the lessee for all such minor minerals.

xxiii) Right of the Goa, Daman and Diu Government or Central Government to construct any road, railway, or canal, reservoir or to carry any electric or telephone lines in or over the limits under the lease is reserved;

Provided that before such right is exercised, a notice of not less than sixty days shall be given to the lessee and the area utilized by Government for any of the aforesaid purposes shall be excluded from the area under the lease.

(2) A quarrying lease may contain such other conditions as the Competent Officer may deem necessary in regard to the following:

(i) Time limit, mode and place of payment of rents and royalties;

(ii) Compensation for damage to the land covered by the lessee;

(iii) Felling trees;

(iv) Restriction of surface operation in any area prohibited by any authority;

(v) Notice by lessee for surface occupation;

(vi) Providing for proper weighting machines;

(vii) Facilities to be given by the lessee for working other minerals in the leased area or adjacent area;

(viii) Securing pits and shafts;

(x) Indemnity to Government against claims of third parties;

(xi) Delivery of possession over lands and mines on the surrender, expiration or determination of the lease;

(xii) Forfeiture of property left after determination of lease;

(xiii) Power to take possession of plant, machinery, premises and mines in the event of war or emergency.

(3) A quarrying lease may contain any other special conditions which the Competent Authority may specify, subject to the approval of Government.

19. Rights of lessee. — Subject to the conditions mentioned in rule 18, the lessee shall have the right, for the purpose of his mining operations, to —

(1) work mines or quarries;

(2) sink pits and shafts and construct buildings and roads;

(3) erect plants and machinery;

(4) quarry and obtain buildings and road materials and make bricks;

(5) use water and take timber;

(6) use land for staking purposes;

(7) do any other thing specified in the lease.

20. Right to determine lease. — The lessee may determine the lease at any time by giving not less than six months' notice in writing to the Competent Officer.

CHAPTER III

Grant of quarrying lease in respect of land in which minerals belong to private persons

21. Applicability of this chapter. — The provisions of this Chapter shall apply to quarrying leases granted by private persons.

22. Restrictions on grant of quarrying lease by private persons. — A quarrying lease granted by a private person shall be subject to the restrictions prescribed in rule 3, 13(1), (2) and (4), 14 and 16(1) shall be subject to the following conditions: —

(a) The provisions of clauses (i), (ii), (iii), (iv), (v), (vii), (viii), (ix), (x), (xi), (xiii), (xiv), (xviii) and (xix) of sub-rule (1) of rule 18 shall apply to such lease with the modification that in clause (ii) and (iii) for the word «Government» and in clause (iv) and (xix) for the words «Competent

Officer» and in clause (vii) for the words «Competent Officer» and «Director of Industries» the word «leaser» shall be substituted.

(b) The lessee may determine the lease at any time by giving not less than six months' notice in writing to the lessor.

(c) The lease may contain such other conditions as may be agreed upon between the parties.

23. **Submission of copy of lease.** — Every person obtaining a quarrying lease from a private person shall, within three months of the grant of such lease or execution of such lease submit to the Competent Officer a certified copy of the lease.

24. **Communication of transfer of assignment.** — Every transferee or assignee of a quarrying lease or of any right, title or interest therein, shall within one month of such transfer or assignment, inform the Competent Officer, of the transfer or assignment and of the terms and conditions of such transfer or assignment.

25. **Prohibition of premium.** — No person in granting or transferring a quarrying lease or any right, title or interest in any such lease, shall charge any premium in addition to or in lieu of the surface rent, dead rent or royalty specified in such lease or such proportionate part of such fee, rent or royalty as is payable in respect of the right, title or interest transferred.

26. **Annual returns and statements.** — Every private person granting a quarrying lease shall furnish, annually, to the Director of Industries, returns and statements, within such period as the Director of Industries may direct.

27. **Penalty for granting quarrying lease in contravention of these rules.** — If any private person grants a quarrying lease in contravention of any of the provisions of this Chapter or accepts any premium in contravention of rule 25, he shall be punishable with imprisonment which may extend to three months or with fine which may extend to Rs. 1000/- or with both and the lease so granted shall be void.

28. **Penalty for failure to furnish returns etc.** — Should any lessee or his transferee or assignee fail to furnish the documents or information or returns as specified in rule 23 or 24 or refuse entry or inspection by any officer authorised by Government or the Competent Officer or the Director of Industries under clause (xiv) of sub-rule (1) of rule 18, he shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to Rs. 500/- or with both.

CHAPTER IV

Grant of quarrying permits in respect of lands in which minerals belong to Government

29. **Grant of quarrying permits.** — On an application made to him, the Competent Officer may grant a quarrying permit to any person to extract and remove from any specified land within the limits of his jurisdiction any minor mineral not exceeding in quantity to 3,000 cubic metres, under any one permit, on payment of such royalties as the Competent Officer may fix but not exceeding the roy-

alties calculated at the rates specified in Schedule I to those rules and also on payment of such land revenue and cesses as may be assessable on the lands:

Provided that the Competent Officer may refuse to grant such permit for reasons recorded in writing.

30. **Application for quarrying permit.** — (1) An application for quarrying permit shall contain the following particulars:—

(i) Name, address and profession of the applicant;

(ii) Quantity of the minor mineral for which the permit is required;

(iii) Name of the minor mineral to be extracted and removed;

(iv) Description of the lands from which the minor mineral is to be extracted and removed;

(v) Purpose for which the minor mineral is to be used.

(2) Every application for a quarrying permit shall, if the land from which the minor mineral to be extracted are occupied lands, be accompanied by a letter from the occupant of such lands to the effect that he has no objection to the extraction of the mineral by the applicant.

(3) Every application shall be accompanied by certified copies of relevant extracts of Revenue Register (Livro de Matriz Predial) and Property Register (Inscrição e Descrição do Registo Predial) or from the Inventory of Institutions (Tombo de Instituições) as the case may be, along with a site of the land in which the lease is applied for.

31. **Application fee.** — The application shall be accompanied by a fee of Rs. 3/-. If the Competent Officer refuses to grant the permit applied for, the fee shall be refunded.

32. **Conditions on which the quarrying permit shall be granted.** — (1) a) Every quarrying permit granted under rule 29 shall contain a condition that the depth of the pit below the surface shall not exceed six metres.

b) Any permit granted under rule 29 may contain such other conditions as the officer granting the permit may deem necessary in regard to the following matters:—

(1) Time limit, mode and place of payment of rents and royalties;

(2) Compensation for damage to the land covered by the permit;

(3) Felling of trees;

(4) Restriction of surface operations in any area prohibited by any authority;

(5) Entering and working in any reserved or forest;

(6) Reporting all accidents;

(7) Indemnity to Government against claims of third parties;

(8) Period within which the minor mineral shall be extracted and removed and delivery of possession

over lands on the expiry of such period or on the removal of the quantity of the minor mineral for which the permit is valid;

(9) Forfeiture of property left after cancellation of the permit;

(10) The licensee shall not carry on or allowed to be carried on any mining operations at any point within a distance of 45 metres if no blasting is involved and 185 metres if blasting is involved, from the boundary of any railway line except with the written permission of the Railway Administration concerned or from the boundary of any reservoir, canal, road or public works, building except with the previous permission of Government. The Railway Administration or the Government, may, in granting permission, impose such condition as it may deem fit. In the case of National Monuments such distance should not be less than 300 metres away from such monuments whether blasting is involved or not.

(11) The licensee should build a safety stone wall or any permanent structure which should have the height of at least one metre and away from the area in exploration of the lease at least as many metres as to the dept of the excavation. The wall should have exit doors which should be kept closed when the quarry is not in operation.

(2) In case breach of any of the conditions subject to which the permit is granted, the Competent Officer may cancel it. On cancellation of the permit, the quarried materials lying on the land from which they are extracted shall become the absolute property of the Government.

CHAPTER V

Revision

33. Application for review. — Any person aggrieved by an order of a Competent Officer:

- (i) refusing to grant a quarrying lease or permit;
- (ii) determining or cancelling such lease or permit;
- (iii) refusing to permit transfer of a quarrying lease;

may, within two months of the date of such order, apply to Government for reviewing the same.

34. Application fee. — An application for revision under rule 33 shall be accompanied by a fee of Rs. 15/-.

35. Review. — Upon receipt of such application, Government may, if it thinks fit, call for the relevant records and other information from the Competent Officer and after considering any explanation that may be offered by him, cancel his order or revise it in such manner as Government may deem just and proper.

36. Finality of order. — The order of Government under rule 35 and subject only to such order, any order made by the Competent Officer shall be final.

CHAPTER VI

Miscellaneous

37. Interpretation of quarrying lease. — Every quarrying lease shall provide for the submission by the lessee of any question or dispute regarding the lease or any other matter or thing, construction of

a term or condition in the lease or anything connected with the quarries or minor minerals specified in the lease, or the working or non-working of the quarry, the amount of payment of royalty or dead rent or its mode of payment to the Competent Officer, for the decision of Government which shall be final and binding on the lease.

38. Application of these rules to renewal.

(a) Government land:

Where a licence for quarrying a minor mineral or minerals in the Government land granted before the commencement of these rules is required to be renewed after such commencement, these rules shall apply in relation to such renewal as they apply in relation to the renewal of a quarrying lease granted after such commencement.

(b) Lands other than Government lands:

All the persons quarrying minor minerals in lands other than Government lands shall, within a period of thirty days, after the commencement of these rules, submit to the Director of Industries, a statement in writing, giving therein the volume of excavation in cubic metres, done by them up to the day of the commencement of these rules.

Further, quarrying of a minor mineral or minerals in lands other than Government lands shall be subject to these rules immediately on the expiry of 30 days from the date of commencement of these rules.

39. Relaxation of rules in special cases. — In any case or class of cases in which the Government is of the opinion that public interest so requires, it may authorise the grant of quarrying lease or a quarrying permit on the terms and conditions other than those prescribed in these Rules.

40. Disposal of minor mineral by public auction in certain cases. — Notwithstanding anything contained in the foregoing provisions, it shall be lawful for a Competent office to sell by public auction or otherwise dispose of the right to remove any minor mineral in such cases or class of cases and on such terms and conditions as the Government may by a general or special order specify.

41. For works meant for public utility. — P. W. D. Municipalities, B. D. O. and Village Panchayats for direct departmental extraction, may quarry free of charge, such minor minerals from Government land, with prior sanction of Competent Officer. When such minor minerals or the plot in which they occur or bottle are vested in private persons, such plots may be obtained in negotiations with the respective proprietor or when such negotiations fail, then be acquired under the Land Acquisition Act 1894.

The acquisition under the Land Acquisition Act, 1894, for «public works» shall be restricted as far as possible, on the plots nearby the locality of such works and when such works are undertaken by contractors, shall be effected only when the contractor is not in a position to get the supplies of the material in the open market at competitive rates, and at the expense of the contractor.

42. Extraction free of charge. — Minor minerals that may be found in the course of building of any structure and opening wells, will be free of charges and the respective owner may use or sell the same

without payment of any fee. The provisions of this rule are also applicable to contractors or public works. Also the artisans who extract minor minerals making grinding stones are exempted from payment of taxes.

43. Saving. — Nothing in these Rules shall affect the following provision regarding minor minerals and lands vested in Government other than vested in Forest Department, P.W.D., Office of the Captain of the Ports, Port Trust, Defence Services and Village Panchayats.

(1) With the previous permission in writing of the Panchayat Secretary but without payment of fees (a) any potter or maker of bricks or tiles may for his domestic or agricultural purposes of his trade, (b) any person may remove earth, stone, kankar, sand murum or other material from the bed of the sea or from the beds of creeks, rivers and nalahs or from any unassessed waste land within the limits of the village in which he resides or in which the land for the benefit of which the materials are required is situated;

Provided that no such permission shall be given in respect of lands assigned as burial or cremation grounds or for religious purposes.

(2) With the previous permission in writing of the Taluka Mamlatdar within whose jurisdiction the stone, kankar, sand, murum, or other material is situated but without payment of any fee, any person may, for the purpose of building a well or for his domestic or agricultural purposes but not for sale or personal gain, remove such material from any of the sources specified in sub-rule (1), provided that the value of the material does not exceed Rs. 50/-.

(3) If any such material lies in a Taluka other than the Taluka in which the person resides or in which the land for the benefit of which the material is required is situated, then permission under sub-rule (2) shall be granted only with the concurrence of the Taluka Mamlatdar in whose jurisdiction such person resides or on which such land is situated.

(4) When the Taluka Mamlatdar refuses such permission when the same is applied for under sub-rule (2), an appeal shall lie to the Competent Officer.

(5) In any case where the excavation of the soil is likely to damage or destroy any valuable building or any land required for any special or public purpose or any boundary mark, the previous sanction of the Taluka Mamlatdar to any such removal shall be required and he shall refuse permission to the extent necessary to prevent such damage or destruction.

(6) No Panchayat Secretary or Taluka Mamlatdar may permit any removal under sub-rule (1) or (2) from land within Port limits, or on the banks or share of any Port without the written concurrence of the Competent Officer and under such conditions, if any, as he may impose.

(7) In any case where it appears to the Taluka Mamlatdar that the trade carried on by any potter or maker of bricks or tiles is sufficiently extensive and lucrative to render such a charge fair and equitable, he shall refer the case to the Competent Officer.

(8) In such cases or localities as he thinks fit, the Competent Officer may prohibit, the Taluka Mamlatdar, or the Panchayat Secretary from giving permission without obtaining his previous sanction, and in any such case all applications for permission shall be referred to the Taluka Mamlatdar for the Competent Officer's order.

(9) When the Panchayat Secretary refuses permission when the same is applied for under sub-rule (1) or does not refer the application to the Taluka Mamlatdar under sub-rule (8), an appeal lie to the Taluka Mamlatdar.

(10) Any person may, with the sanction of the Panchayat Secretary, take free of all charge from village tanks as much earth, stone, kankar, sand, murum or other materials as he requires: — Provided that no stones shall be removed that may have fallen from the banks of built tanks, and that no excavation shall be made within five metres of the embankment of any such tank.

SCHEDULE I

Rates of Royalties

(See Rules 18, 22 and 29)

I (a) Limestones and its varieties including lime-shells. When used for lime burning.

either

Rs. 1-50 per cubic metre of stone utilised.

or

Rs. 1-20 per cubic metre of prepared lime.

When used as building stone ballast metal grit, etc.

Rs. 1-50 per cubic metre of stone utilised.

(b) Kankar when used for lime burning.

either

Rs. 1-50 per cubic metre of stone utilised.

or

Rs. 1-20 per cubic metre of prepared lime.

II (a) All building stones including laterite when used for building and constructional purposes as stones, masonry stones, blocks, metal grit, ballast, block chitras, grit, etc.

Rs. 1-20 per cubic metre of raw stones utilised.

III (a) Boulder, shingle, gravel, murum, ordinary sand, kankar all used for constructional purposes either by excavation or collection.

Rs. 0-80 paise per cubic metre.

(b) Pebbles and modules of chalcedony quartzite stone or flint.

Rs. 4-15 per cubic metre.

IV Ordinary sand when used as core moulding or bend sand.

Rs. 1-05 per cubic metre.

V (a) Ordinary clay used by village potter.

Rs. 0-60 paise per cubic metre.

(b) Ordinary clay when used for manufacture of tiles (Mangalore pattern). Rs. 1-15 per cubic metre.

VI	Red matti and other coloured mattis (not amounting to ochres).	Rs. 0-90 paise per cubic metre.
VII	Slate and shales when used for building purposes.	Rs. 1-50 per cubic metre.
VIII	Brick-earth.	Rs. 0-10 paise per cubic metre of brick earth consumed for manufacture of bricks.
		or
		Rs. 0.40 paise per 100 bricks manufactured of common standard size 9×4×3 inches.
LX	Fuller's earth or Bentonite.	Rs. 2-00 per cubic metre.

SCHEDULE II

Limits of Dead Rents

(see Rule 18)

Per hectare or portion thereof Maximum

I Specified minor minerals	Rs. 100-00
II Building stones including laterite	Rs. 100-00
III All other minor minerals except those used for making grinding stones	Rs. 50-00

By order and in the name of the Administrator of Goa, Daman and Diu.

B. K. Chougule, Secretary, Industries and Labour Department.

Panjim, 31st March, 1966.